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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 ELAINE FRANCIS WOOLERY,

11 Plaintiff,

12 v.

13 ONE WEST BANK FSB,

14 Defendant.

CASE NO. 3:17-CV-05540-JRC

ORDER

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16 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
17 Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge
18 and Consent Form, Dkt. 4; Consent to Proceed Before a United States Magistrate Judge, Dkt.
19 10).

20 This matter is before the Court on defendant's Motion to Dismiss Complaint. *See* Dkt.
21 13. Defendant's filed this motion on October 3, 2017 and it was noted on the Court's calendar
22 for October 27, 2017. Defendant moves the Court to dismiss plaintiff's complaint on the ground
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1 that this Court lacks subject matter jurisdiction because the Bankruptcy Court has exclusive
2 original jurisdiction over this case. Dkt. 13, p. 1.

3 Plaintiff's response to this motion was due on or before Monday, October 23, 2017.
4 Plaintiff has failed to file a response or objections to defendant's motion. *See* Docket.

5 After reviewing the Complaint (Dkt. 1) and Defendant's Motion to Dismiss (Dkt. 13), the
6 Court concludes that the claims raised by plaintiff in her complaint are based on alleged
7 violations of the automatic stay, and are therefore preempted by federal bankruptcy law. *See*
8 *MSR Exploration v. Meridian Oil*, 74 F.3d 910, 916 (9th Cir. 1996).

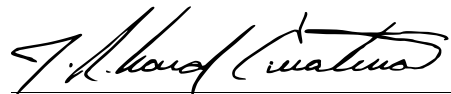
9 The factual allegations in the complaint involve events that occurred during the pendency
10 of plaintiff's bankruptcy. Dkt. 1, paragraphs 8 – 12. The allegations essentially repeat claims
11 during the bankruptcy proceeding. *See* Dkt. 13, Ex. 1 and 2, Case 16-04097 BDL. As alleged in
12 plaintiff's complaint, the Bankruptcy Court entered a Discharge Order on January 30, 2013 –
13 after the events giving rise to plaintiff's claims.

14 Fed. R. Civ. P 12(c) provides that after the pleading are closed, a party may move for
15 judgment on the pleadings.

16 Plaintiff has not set forth any reason why these claims set forth on the face of the
17 pleading are not preempted by the bankruptcy proceedings.

18 Therefore, plaintiff's complaint is dismissed for lack of subject matter jurisdiction.

19 Dated this 2nd day of November, 2017.

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22 J. Richard Creatura
23 United States Magistrate Judge
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